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January 22, 2008

COPY

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VIA HAND DELIVERY

Ms. LaDonna Castañuela (MC-105)
Office of the Chief Clerk
Texas Commission on Environmental Quality
12100 Park 35 Circle, Building F
Austin, Texas 78753

2008 JAN 22 PM 2:17
CHIEF CLERKS OFFICE
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

RE: Certified Questions to Commission
TCEQ Docket No. 2007-0831-AGR; SOAH Docket No. 582-008-0007;
Application by Hidden View Dairy, a Texas general Partnership d/b/a Hidden
View Dairy, Erath County, Texas for TPDES Permit No. WQ0003197000

Dear Ms. Castañuela:

This letter is to inform the Commissioners and all interested persons that Applicant, Hidden View Dairy, does not intend to file an additional brief in response to today's deadline for briefing on the certified questions to the Commissioners. Rather, Applicant stands on and re-urges the facts, law and argument as previously set forth in its brief and attached exhibits, filed on December 27, 2007, and entitled "Applicant's Brief Regarding Certified Questions."

Applicant respectfully requests that the Commissioners answer the three certified questions "No" and order the application to be remanded to the Executive Director for further processing and issuance of Applicant's permit.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Leonard H. Dougal

cc: Hon. Roy Scudday
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th Street, Suite 502
Austin, Texas 78701

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